

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

HMR (USA) Incorporated
8301 Belvedere Avenue
Sacramento, California 95826
No Identification Number

Respondent.

Docket HWCA 20061226

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and HMR (USA), Incorporated, a Delaware corporation doing business in California (Respondent) enter into this Consent Order and agree as follows:

1. Respondent collects and handles universal waste electronic devices at 8301 Belvedere Avenue, Sacramento, California 95826 (Site).

2. The Department inspected the Site on December 19 and 22, 2005, April 20, 2006, and May 5, 2006.

3. The Department alleges the following violations:

3.1. The Respondent violated California Code of Regulations, title 22, section 66273.83(d)(15) in that the Respondent did not ensure that all materials generated as a result of treatment processes were properly classified and managed in accordance with the applicable requirements of the division.

3.2. The Respondent violated California Code of Regulations, title 22, section 66273.87(a) by failing to immediately contain all releases of CRT material and residues from CRT material. In addition, Respondent violated California Code of Regulations, title 22, section 66273.87(b) by failing to determine whether the

material resulting from a release is hazardous waste, and, by failing to manage the hazardous waste dust resulting from the release as hazardous waste.

4. A dispute exists regarding the alleged violations.
5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.
6. Jurisdiction exists pursuant to Health and Safety Code section 25187.
7. Respondent waives any right to a hearing in this matter.
8. This Consent Order shall constitute full settlement of the violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

SCHEDULE FOR COMPLIANCE

9. Respondent promptly took corrective action by having a licensed lead abatement firm clean the area affected. The facility is now in compliance with regard to these violations.

10.1. Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

10.2. Site Access: Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Consent Order is intended to limit in any

way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives may enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Consent Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Consent Order.

PAYMENTS

11. Within 30 days of the effective date of this Consent Order, Respondent shall pay the Department a total of \$2,000.00. Respondent's check shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Paul S. Kewin, Section Chief
Northern California Branch
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

12.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

12.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

12.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

12.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

12.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

SIGNATORIES

13. Each undersigned representative of the parties to this Order certifies that he or she is fully authorized to enter into the terms and conditions of this Order and to execute and legally bind the Parties to this Order.

Dated: September 27, 2006

Original signed by Sam Trautman
HMR (USA) Incorporated
By: Sam Trautman

Dated: October 2, 2006

Original signed by Paul Kewin
Mr. Paul S Kewin
Unit Chief
Northern California Branch
Statewide Compliance Division
Department of Toxic Substances Control